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January 22, 2015

The Honorable Christian F. Hummel
U.S. District Court for the Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: *Applied Materials, Inc. v. Terry Burks*
Civil Action No.: 1:14-CV-01346 (GTS, CFH)

Dear Judge Hummel:

We represent non-party Westerwood Global USA, LLC ("WG USA") and write to follow-up on Tuesday's teleconference. In particular, we write with respect to the issue raised by Mr. McQuade, counsel for Applied Materials, Inc. ("AMI"), regarding allegedly confidential files of Lam Research Corporation ("Lam").

Mr. McQuade wrote to Lam on Tuesday, but, to our knowledge, failed to e-file his letter as instructed. His letter is enclosed and we are e-filing the same herewith. (Ex. 1).

We also attach our letter sent to Lam responding to Mr. McQuade's missive. (Ex. 2) Your Honor, as you will see from our letter to Lam, the files in question are, to the best of our knowledge (AMI refuses to provide specific information), files that a service provider such as WG USA received in the ordinary course of business from a customer – in this case GlobalFoundries, Inc. ("GF").

When GF purchases a toolset, *e.g.*, from Lam, the toolset comes with certain documentation, including operation manuals – no different than a new car comes with a manual. When GF hires vendors to service its toolsets, it makes those manuals available to its service providers – no different than making one's car manual available to a mechanic who works on the car. WG USA services GF's Lam toolsets, and thus, GF provided the documentation to WG USA. Furthermore, these manuals are publicly available on the internet as indicated in our letter to Lam's General Counsel.

Now that we have had the chance to study this matter (before Tuesday, Mr. McQuade never mentioned an issue with Lam's files to us), it is clear that AMI was attempting to mislead the Court by suggesting that publicly accessible information was somehow "confidential and proprietary" and by insinuating that WG USA had wrongly acquired or "misappropriated" another entity's confidential and proprietary information.

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Thank you for your consideration.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "John F. Cambria". The signature is written in a cursive, slightly slanted style.

John F. Cambria

CC: James McQuade, Esq.
James Long, Esq.
David Rowley, Esq.